

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEON MAURICE AGER, et al.,	:
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Plaintiffs,	:
	:
-v-	25-CV-3630 (JMF)
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ROGER GOODELL, et al.,	<u>MEMORANDUM OPINION</u>
	<u>AND ORDER</u>
	:
Defendants.	:
	:
	X

JESSE M. FURMAN, United States District Judge:

Plaintiffs filed this Complaint on April 29, 2025, against various people and entities involved in the National Football League. ECF No. 1 (“Complaint”). On May 12, 2025, they filed an “emergency motion for preliminary injunction.” ECF Nos. 5-6.

Although the Complaint — which includes causes of action for fraud, *id.* at 8, conspiracy, *id.* at 10, breach of contract, *id.* at 11, and unjust enrichment, *id.* at 13 — alleges this Court has “diversity jurisdiction pursuant to 28 U.S.C.A. 1332,” *id.* at 8, Plaintiffs fail to allege the citizenship of any of the parties. “To properly invoke diversity jurisdiction, a complaint must allege the specific citizenship of each of the parties.” *Goney v. SuttonPark Cap. LLC*, No. 22-1830, 2023 WL 8235019, at *3 (2d Cir. Nov. 28, 2023) (summary order) (internal quotation marks omitted).

Further, although the Complaint states Plaintiffs are entitled to all “remedies afforded by the patent, trademark, and copyright law of the United States,” Plaintiffs do not allege ownership of any patent, trademark, or copyright. *See EscapeX IP, LLC v. Google LLC*, No. 23-CV-10839 (VSB) (VF), 2025 WL 893739, at *5 (S.D.N.Y. Mar. 24, 2025) (“To assert a viable patent-infringement claim, a complaint must . . . attach the asserted patents to the complaint.”); *Thurber*

v. Finn Acad., No. 20-CV-06152 (EAW), 2021 WL 927627, at *8 (W.D.N.Y. Mar. 11, 2021) (“Plaintiff has failed to allege any facts to support the conclusion that her purported unregistered trademark is . . . protectable.”); *Lambertini v. Fain*, No. 12-CV-3964 (DRH) (ARL), 2014 WL 4659266, at *2 (E.D.N.Y. Sept. 17, 2014) (“[A] plaintiff asserting a copyright infringement claim must allege . . . that plaintiff owns the copyright.”). Mere invocation of a federal claim does not create federal subject matter jurisdiction where the claim is “plainly insubstantial,” “implausible,” and “immaterial.” *See Nowak v. Ironworkers Local 6 Pension Fund*, 81 F.3d 1182, 1189 (2d Cir. 1996).

For these reasons, Plaintiffs’ emergency motion for a preliminary injunction must be and is DENIED. Additionally, Plaintiffs fail to demonstrate that they would suffer irreparable harm in the absence of an injunction, both because they appear to have waited years to seek relief and because any harm could be remedied through monetary damages. *See, e.g., Sibanda v. Elison*, No. 23-CV-5752 (JMF), 2023 WL 7165046, at *1 (S.D.N.Y. Oct. 31, 2023); *see also, e.g., Monowise Ltd. Corp. v. Ozy Media, Inc.*, No. 17-CV-8028 (JMF), 2018 WL 2089342, at *1 (S.D.N.Y. May 3, 2018) (“A court must consider a plaintiff’s delay in seeking relief when analyzing whether the plaintiff will suffer irreparable harm in the absence of relief.”). Additionally, no later than **July 4, 2025**, Plaintiffs shall show good cause in writing why their Complaint should not be dismissed for lack of subject-matter jurisdiction.

The Clerk of Court is directed to terminate ECF Nos. 5-6 and to mail a copy of this Order to the Plaintiffs.

SO ORDERED.

Dated: June 4, 2025
New York, New York



JESSE M. FURMAN
United States District Judge